REMARKS/ARGUMENTS

In the Office Action mailed November 24, 2008, claims 1-15 were rejected. In response, Applicants hereby request reconsideration of the application in view of the below-provided remarks. For reference, claim 6 is amended to correct a misspelling. No claims are added or canceled.

For reference, claims 1-10, 12, 13, and 14 are amended. In particular, claims 1-10, 12, 13, and 14 are each amended to add punctuation. Additionally, claim 6 is amended to correct a misspelling.

Objections to the Claims

Claim 6 was objected to for misspelling the word "carrier" as "carner." Applicants appreciate the Examiner's attention to the language of the claims. Applicants submit that claim 6 is amended to correctly spell "carrier." Accordingly, Applicants respectfully request that the objection to claim 6 be withdrawn.

Claim Rejections under 35 U.S.C. 102

Claims 1-15 were rejected under 35 U.S.C. 102(a) as being anticipated by Proudler et al. (EP 1280042, hereinafter Proudler). However, Applicants respectfully submit that these claims are patentable over Proudler for the reasons provided below.

Independent Claim 1

Claim 1 recites "transmitting first authorization data of the hardware and/or software to a first unit" (emphasis added) and "comparing the first authorization data of the hardware and/or software that has been transmitted to the first unit with first verification data stored in the first unit" (emphasis added). Claim 1 also recites "transmitting second authorization data of a data carrier to a second unit" (emphasis added) and "comparing the second authorization data in the second unit with second verification data stored in the second unit" (emphasis added). Hence, the claim recites transmitting first authorization data to and storing first verification data on the first unit, as well as transmitting second authorization data to and storing second verification data

on the second unit. The claim also recites specifically comparing the authorization and verification data of each unit.

In contrast, Proudler does not disclose all of the various data recited in the claim. In particular, Proudler does not disclose first authorization and verification data on a first unit and second authorization and verification data on a second unit, as indicated in the language of the claim. With reference to Fig. 10 and the accompanying description, Proudler merely describes steps for a user to generate a nonce (step 620), transmit a challenge (step 625) to a trusted device, and receive a response (step 640) from the trusted device. The trusted device has corresponding steps of receiving the challenge (step 630) and returning a signed digest (step 635) to the user. Proudler, Fig. 10; paragraphs 49-50. Proudler refers to this process as a "well-known 'challenge/response' process." Proudler, paragraph 49.

Even if the challenge transmitted to the trusted device, as described in Proudler, were considered authorization data, Proudler does not describe verification data stored on the trusted device. More specifically, Proudler does not describe comparing the challenge with verification data stored on the trusted device. Therefore, Proudler does not describe transmitting authorization data to the trusted device and comparing the transmitted authorization data with verification data stored on the trusted device.

Similarly, even if the response transmitted to the user were considered authorization data, and the nonce stored at the user were considered verification data, Proudler nevertheless would merely disclose first authorization and verification data. However, Proudler does not appear to describe any type of second authorization and verification data at a second device that is separate from the device at the user. Moreover, the Office Action does not indicate where Proudler might disclose second authorization data and second verification data, in addition to the nonce and response. Rather, the Office Action merely refers to general descriptions of the verification process between a smart card and a trusted device. However, such general descriptions of the verification process are insufficient to specifically disclose second authorization and verification data, even if the nonce and response were considered to be first authorization and verification data. Therefore, Proudler fails to describe both first authorization and verification data and second authorization and verification data, as recited in the claim.

For the reasons presented above, Proudler does not disclose all of the limitations of the claim because Proudler does not disclose both first authorization and verification data and second authorization and verification data, as recited in the claim. Accordingly, Applicants respectfully assert claim 1 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim.

Independent Claim 7

Claim 7 recites "a first unit for identifying and/or verifying the hardware and/or software of the appliance, comprising a central arithmetic unit and at least one memory and an interface to the hardware and/or software that is to be identified and/or verified" (emphasis added) and "a second unit comprising a central arithmetic unit and at least one memory and an interface to an external data carrier and also an interface to the hardware and/or software" (emphasis added). Hence, the claim recites multiple units that each includes a central arithmetic unit, at least one memory, and an interface.

In contrast, Proudler does not disclose separate units each with a central arithmetic unit and at least one memory. Rather, Proudler merely describes a trusted device 24 and a smart card reader 12 within a trusted platform 10. Proudler, Fig. 6. Although Proudler describes the trusted device 24 as including a controller 30 and memory 3 and 4 (Proudler, Fig. 8), Proudler does not describe any components within the smart card reader 12. Furthermore, Proudler does not describe the smart card reader 12 as sharing or even having access to the controller 30 or the memory 3 and 4 of the trusted device 24. Although Fig. 6 of Proudler appears to illustrate some type of bus between the smart card reader 12 and the trusted device 24, there is no description of the smart card reader 12 having access to the components of the trusted device 24. Therefore, the components of the trusted device 24 should not be construed as a central arithmetic unit or memory of the smart card reader 12 because Proudler does not describe the smart card reader 12 having access to the components of the trusted device 24.

Proudler also describes a motherboard 20 to which the trusted device 24 is coupled. Proudler, Fig. 7. The motherboard 20 includes a CPU 21 and memory 22, to which the trusted device 24 is connected by a data bus 26 and various lines 27 and 28. Id. However, even if the illustrated CPU 21 and memory 22 of the motherboard 20 were

characterized as components of the trusted device 24, Proudler nevertheless does not describe any components within the smart card reader 12 or another device within the trusted platform 10. Furthermore, Proudler does not describe the smart card reader 12 as sharing or even having access to the CPU 21 of the memory 22 of the motherboard 20. Therefore, the components of the motherboard 20 should not be construed as a central arithmetic unit or memory of the smart card reader 12 because Proudler does not describe the smart card reader 12 having access to the components of the motherboard 20. Therefore, Proudler does not describe multiple units that each includes a central arithmetic unit and at least one memory, as recited in the claim.

For the reasons presented above, Proudler does not disclose all of the limitations of the claim because Proudler does not disclose multiple units that each include a central arithmetic unit and at least one memory, as recited in the claim. Accordingly, Applicants respectfully assert claim 7 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim.

Dependent Claims

Claims 2-6 and 8-15 depend from and incorporate all of the limitations of the corresponding independent claims 1 and 7. Applicants respectfully assert claims 2-6 and 8-15 are allowable based on allowable base claims. Additionally, each of claims 2-6 and 8-15 may be allowable for further reasons, as described below.

In regard to claim 4, Applicants respectfully submit that claim 4 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim. Claim 4 recites "a central arithmetic unit of the first unit and a central arithmetic unit of the second unit jointly access at least one ROM memory one RAM memory and/or one non-volatile memory" (emphasis added). In contrast, Proudler does not disclose multiple central arithmetic units that jointly access memory, at least because Proudler does not disclose multiple central arithmetic units of first and second units, as explained above with respect to the rejection of claim 1. Moreover, even if Proudler were to describe multiple central arithmetic units, Proudler does not describe multiple central arithmetic units jointly accessing a memory device. In other words, there is no description in Proudler of a memory that is jointly accessed by multiple central arithmetic units.

Therefore, Proudler does not disclose all of the limitations of the claim because Proudler does not disclose multiple central arithmetic units jointly accessing memory, as recited in the claim. Accordingly, Applicants respectfully assert claim 4 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim.

In regard to claim 5, Applicants respectfully submit that claim 5 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim. Claim 5 recites "encryption of the first authorization data and of the second authorization data is carried out in the first unit and in the second unit" (emphasis added). In contrast, Proudler does not disclose encryption of first and second authorization data, at least because Proudler does not disclose both first and second authorization data, as explained above with respect to the rejection of claim 1. Therefore, Proudler does not disclose all of the limitations of the claim because Proudler does not disclose encrypting both first and second authorization data, as recited in the claim. Accordingly, Applicants respectfully assert claim 5 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim.

Applicants respectfully assert claim 9 is patentable over Proudler at least for similar reasons to those stated above in regard to the rejection of claim 4. Here, although the language of claim 9 differs from the language of claim 4, and the scope of claim 9 should be interpreted independently of claim 4, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 4 also apply to the rejection of claim 9. In particular, claim 9 recites "the ROM memories and/or the RAM memories and/or the non-volatile memories of the first unit and of the second unit are in each case combined to form a common ROM memory and/or a common RAM memory and/or a common non-volatile memory" (emphasis added). As explained above, Proudler does not describe a common memory that is jointly accessed by first and second units. Accordingly, Applicants respectfully assert claim 9 is patentable over Proudler because Proudler does not disclose a common memory.

In regard to claim 11, Applicants respectfully submit that claim 11 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim. Claim 11 recites "wherein the central arithmetic unit of the first unit and the central arithmetic unit of the second unit are combined to form a common central arithmetic unit

which common central arithmetic unit has the <u>integrated communication interface</u>, and wherein the common central arithmetic unit is connected by an interface to the hardware and/or software that is to be identified and/or verified" (emphasis added). In contrast, Proudler does not disclose a common central arithmetic unit with multiple central arithmetic units and an integrated communication interface, as recited in the claim. More specifically, Proudler does not disclose central arithmetic unit functionality of first and second units in a combined, common central arithmetic unit. Therefore, Proudler does not disclose all of the limitations of the claim because Proudler does not disclose a common central arithmetic unit, as recited in the claim. Accordingly, Applicants respectfully assert claim 11 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim.

In regard to claim 12, Applicants respectfully submit that claim 12 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim. Claim 12 recites "the interface to the external data carrier is designed for <u>contactless communication</u> with the external data carrier" (emphasis added). In contrast, Proudler does not disclose contactless communication (e.g., wireless communication). Although the Office Action refers to the general description in Proudler of verification between a smart card and a trusted device, there is no description of such verification occurring through contactless, or wireless, communication. Rather, Proudler is silent as to whether or not the smart card might be in contact with the smart card reader. Therefore, Proudler does not disclose all of the limitations of the claim because Proudler does not disclose contactless communication, as recited in the claim. Accordingly, Applicants respectfully assert claim 12 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the amendments and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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